

REMARKS**Summary of the Office Action**

Claims 12-16, 18-21 and 23-25 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 11, 12, 14-21 and 23-29 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,533,178 to de Polo ("de Polo").

Claims 13, 22 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over de Polo in view of U.S. Patent No. 1,008,456 to Etter ("Etter").

Summary of the Response to the Office Action

Applicants have amended claims 11, 14, 16, 18, 20, 21, 23 and 26.

Applicants have canceled claims 12, 13, 15, 19 and 24, 25 and 27-30 without prejudice or disclaimer.

Applicants have added new claims 31-35.

Claims 11, 14, 16, 17, 18, 20, 21, 22, 23 and 31-35 are pending.

Response to the Office Action

Claims 12-16, 18-21 and 23-25 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have canceled claims 12, 13, 15, 19, 24 and 25,

rendering the rejection of these claims moot. Applicants have amended claims 11 and 23 to address the Examiner's concerns described at page 2 of the Office Action. In particular, claims 11 and 23 have been amended to clarify structure by which movement is accomplished, the orientation of certain axis', the relative disposition of certain elements, and the function and purpose of certain movements, in accordance with the Examiner's helpful suggestions at page 2 of the Office Action. Applicants request that the rejection under 35 U.S.C. § 112, second paragraph, of claims 14, 16, 18, 20, 21 and 23, be withdrawn.

Claims 11, 12, 14-21 and 23-29 are rejected under 35 U.S.C. § 102(b) as being anticipated by de Polo. Claims 13, 22 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over de Polo in view of Etter. Applicants respectfully traverse the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a). Applicants have amended claims 11, 23 and 26 to provide a different recitation relating to Applicants' invention.

Claim 11 recites a combination including a joint unit that is configured such that "the back support rotates relative to the back frame about a first axis perpendicular to the back supporting surface" and "the back support pivots between a first position and a second position about a second axis that is substantially parallel to the sitting surface, the back supporting surface being inclined relative to the sitting surface in the first position to support the back of a user and being substantially parallel to the sitting surface in the second position."

Support for claim 11 is provided at, for example, Figs. 1(A) and 1(B), and corresponding portions of Applicants' written specification, which describe and show an embodiment of Applicants' chair including a leg column 1, a supporting body 9 rotatably connected to the leg column 1, a seat 3 rotatably connected to the supporting body 9, a back frame 5 connected to the

supporting body 9 and configured to swing around the seat (Figs. 15(A)-15(F)), and a back support 4 movably connected to the back frame 5 by a joint unit 11. The back support rotates relative to the back frame about a first axis 13 perpendicular to the back supporting surface. The back support pivots from a first position to a second position about a second axis 12 that is substantially parallel to the sitting surface. The back supporting surface is inclined relative to the sitting surface in the first position to support the back of a user and is substantially parallel to the sitting surface in the second position. (Again, see Figs. 15(A)-15(F)).

In contrast, de Polo merely discloses back 52 connected to main support member 50 via mounting fixture 73. Applicants respectfully submit that de Polo does not disclose at least the features of a joint unit that is configured such that “the back support rotates relative to the back frame about a first axis perpendicular to the back supporting surface” and “the back support pivots between a first position and a second position about a second axis that is substantially parallel to the sitting surface, the back supporting surface being inclined relative to the sitting surface in the first position to support the back of a user and being substantially parallel to the sitting surface in the second position,” as recited in claim 11.

Claims 14, 16-18 and 20-22 depend from claim 11 and recite the same combination of allowable features recited in claim 11 as well as additional features that define over the applied art. Applicants respectfully submit that Etter fails to overcome the above-described deficiencies of de Polo. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b), of claims 11, 14, 16-18 and 20-21, and the rejection under 35 U.S.C. § 103(a), of claim 22, be withdrawn.

Claim 23 has also been amended to include similar features as discussed above with regard to claim 11. Accordingly, similar arguments as discussed above with regard to claim 11 also apply to claim 23. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b), of claim 23, be withdrawn.

Claim 26 recites a combination including a plurality of legs, each of which has a wheel, a supporting body rotatably connected to the leg, a back frame connected to the supporting body, and a seat having a sitting surface and rotatably connected to the supporting body, wherein the seat rotates about a first axis perpendicular to the sitting surface and the supporting body rotates about a second axis adjacent to the first axis.

The chair disclosed in de Polo includes the central support means fixed on the base. As the central support means is fixed on the base, the body of the chair rotates around an axis that is different from the axis around which the seat rotates. In contrast, the chair according to an embodiment of the present invention has a wheel on its legs so as to move freely and two different axes around which the seat and the supporting body rotate respectively. Therefore, the chair according to the present embodiment realizes more free unlimited motions as compared to de Polo. Also, Applicants submit that the fact that the chair of de Polo would lose its two axis rotation if the central support means had a wheel so as to move on the base freely, shows inventiveness of the chair of the present embodiment over de Polo.

Applicants have added new claims 31-35. Support for claims 31-35 is provided at, for example, Figs. 15(A)-15(F) of Applicants' specification. Examination of new claims 31-35 is requested.

CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

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By: 

Peter J. Sistiare
Reg. No. 48,183

Customer No. 055694
Drinker Biddle & Reath LLP
1500 K Street, N.W., Suite 1100
Washington, DC 20005-1209
Tel.: (202) 842-8800
Fax: (202) 842-8465